

Panaji, 25th September, 2003 (Asvina 3, 1925)

SERIES II No. 26

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note:- There are Four Supplementary and Two Extraordinary issues to the Official Gazette, Series II No. 25 dated 18-9-2003 as follows:-

- 1) Supplement Nos. 1 to 3 dated 18-9-2003 from pages 619 to 694 and Supplement No. 4 dated 19-9-2003 from pages 695 to 710 regarding Orders from Department of Labour.
- 2) Extraordinary dated 24-9-2003 from pages 711 to 712 regarding Notifications from Departments of Panchayati Raj and Community Development and Revenue respectively.
- 3) Extraordinary No. 2 dated 24-9-2003 from pages 713 to 714 regarding Orders from Department of Finance (Office of the Commissioner of Sales Tax) and Department of Home (Home-General Division).

GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Co-operative Societies

Order

No. 19-1(a)/93/TS/RCS

- Read:-
- 1) Order No. 19/1(a)/93/TS/RCS, dated 24-10-2001.
 - 2) Order No. 19/1(a)/93/TS/RCS, dated 18-6-2002.
 - 3) Order No. 19/1(a)/93/TS/RCS, dated 26-11-2002.
 - 4) Order No. 19/1(a)/93/TS/RCS, dated 29-11-2002.

By virtue of the powers vested in me under Section 78 of the Maharashtra Co-op. Societies Act, 1960 as in force in this State read with Rule 61 of the Co-operative Societies Rules, 1962, I, P. K. Patidar, Registrar of Co-op. Societies, Government of Goa hereby extend the period of Committee of Administrators of the Canacona Taluka Farmers Service Co-op. Society Ltd., Canacona-Goa appointed vide order referred to above for further period of six months from 16-5-2003 to 15-11-2003.

P. K. Patidar, Registrar of Co-op. Societies.

Panaji, 2nd June, 2003.

Order

No. 16/3/2001/GCMF/TS/RCS

- Read:-
- 1) Order No. 16/3/2001/GCMF/TS/RCS dated 20-12-2002.

By virtue of the powers vested in me under Section 78 of the Maharashtra Co-op. Societies Act, 1960 as in force in this State of Goa read with Rule 61 of the Co-operative Societies Rules, 1962, I, P. K. Patidar, Registrar of Co-op. Societies, Government of Goa hereby extend the period of Committee of Administrators of the Goa. Co-op. Marketing and Supply Federation Ltd., Panaji-Goa appointed vide order referred to above for the further period from 31-5-2003 to 31-8-2003.

P. K. Patidar, Registrar of Co-op. Societies.

Panaji, 16th May, 2003.

Order

No. 19/1/2002/TS/RCS

- Read:-
- 1) Order No. 19/1/2002/TS/RCS dated 2-7-2002.
 - 2) Letter No. 18-78-90-ARSZ-HSG/16 dated 4-4-2003 received from Asstt. Registrar of Co-op. Societies, South Zone, Margao.

By virtue of the powers vested in me under Section 78 of the Maharashtra Co-op. Societies Act, 1960 as in force in this State read with Rule 61 of the Co-operative Societies Rules, 1962, I, P. K. Patidar, Registrar of Co-op. Societies, hereby extend the period of Committee of Administrators of Valley Height Co-op. Housing Society Ltd., Vasco-da-Gama appointed vide order referred to above for further period of six months from 3-4-2003. The Administrator shall take necessary steps to hold the election of the Managing Committee of Valley Height Co-op. Housing Society Ltd., Vasco-da-Gama before expiry of the extended period.

P. K. Patidar, Registrar of Co-op. Societies.

Panaji, 22nd April, 2003.

Notification

No. 5-902/2002/ARSZ/HSG

In exercise of the powers vested in me under Section 9 of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa, Sai Sanket Co-op. Housing Society Ltd., New Vaddem, Vasco-da-Gama Goa is registered under code symbol No. HSG-(b)-407/South-Goa/2002.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 12th December, 2002.

Certificate of Registration

Sai Sanket Co-op. Housing Society Ltd., New Vaddem Vasco-da-Gama Goa has been registered on 12-12-2002 and it bears registration code symbol No. HSG-(b)-407/South Goa/2002 and it is classified as "Housing Society" under sub-classification No. 5-(b)-Tenant Co-partnership Housing Society in terms of Rule 9 of the Co-operative Societies Rules, 1962 for the State of Goa.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 12th December, 2002.

Notification

No. 5-923/2003/ARSZ/HSG

In exercise of the powers vested in me under Section 9 of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa, Suvihar Co-op. Housing Society Ltd. Pontemol, Curchorem Goa is registered under code symbol No. HSG-(b)-428/South-Goa/2003.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies, (South Zone).

Margao, 4th April, 2003.

Certificate of Registration

Suvihar Co-op. Housing Society Ltd., Pontemol, Curchorem Goa has been registered on 4-4-2003 and it bears registration code symbol No. HSG-(b)-428/South Goa/2003 and it is classified as "Housing Society" under sub-classification No. 5-(b)-Tenant Co-partnership Housing Society in terms of Rule 9 of the Co-operative Societies Rules, 1962 for the State of Goa.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 4th April, 2003.

Notification

No. 5-915/2003/ARSZ/HSG

In exercise of the powers vested in me under Section 9 of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa, Monica Apartment Co-op. Housing Society Ltd., Chicalim-Goa is registered under code symbol No. HSG-(b)-420/South-Goa/2003.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 25th February, 2003.

Certificate of Registration

Monica Apartment Co-op. Housing Society Ltd., Chicalim-Goa has been registered on 25-2-2003 and it bears registration code symbol No. HSG-(b)-420/South Goa/2003 and it is classified as "Housing Society" under sub-classification No. 5-(b)-Tenant Co-partnership Societies Rules, 1962 for the State of Goa.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 25th February, 2003.

Notification

No. 5-923/2003/ARSZ/HSG

In exercise of the powers vested in me under Section 9 of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa, Vaddem Neelam Apartment Co-op. Housing Society Ltd., Vaddem-Vasco-da-Gama, Goa is registered under code symbol No. HSG-(b)-429/South-Goa/2003.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 10th April, 2003.

Certificate of Registration

Vaddem Neelam Apartment Co-op. Housing Society Ltd., Vaddem, Vasco-da-Gama, Goa has been registered on 10-4-2003 and it bears registration code symbol No. HSG-(b)-429/South-Goa and it is classified as "Housing Society" under sub-classification No. 5-(b)-Tenant Co-partnership Housing Society in terms of Rule 9 of the Co-operative Societies Rules, 1962 for the State of Goa.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 10th April, 2003.

Notification

No. 5-924-2003/ARSZ/HSG

In exercise of the powers vested in me under Section 9 of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa, The Jack-Bib Residency Co-op. Housing Society Ltd., Navelim, Salcete-Goa is registered under code symbol No. HSG-(b)-430/South-Goa/2003.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th April, 2003.

Certificate of Registration

The Jack-Bib Residency Co-op. Housing Society Ltd., Navelim, Salcete-Goa has been registered on 15-4-2003 and it bears registration code symbol No. HSG-(b)-430/South Goa/2003 and it is classified as "Housing Society" under sub-classification No. 5-(b)-Tenant Co-partnership Housing Society in terms of Rule 9 of the Co-operative Societies Rules, 1962 for the State of Goa.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th April, 2003.

Notification

No. 5-925/2003/ARSZ/HSG

In exercise of the powers vested in me under Section 9 of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa, Sapana Heritage Co-op. Housing Society Ltd., Borda Margao Goa is registered under code symbol No. HSG-(b)-431/South-Goa/2003.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 17th April, 2003.

Certificate of Registration

Sapana Heritage Co-op. Housing Society Ltd., Borda, Margao-Goa has been registered on 17-4-2003 and it bears registration code symbol No. HSG-(b)-431/South Goa/2003 and it is classified as "Housing Society" under sub-classification No. 5-(b)-Tenant Co-partnership Housing Society in terms of Rule 9 of the Co-operative Societies Rules, 1962 for the State of Goa.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 17th April, 2003.

Notification

In exercise of the powers vested in me under Section 9 (1) of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa, Sabnis Park Co-op. Housing Society Ltd., Alto-Porvorim, Bardez-Goa has been registered under code symbol No. HSG-(b)-214/NZ/Goa.

Ronnie Dias, Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 20th March, 2003.

Certificate of Registration

Sabnis Park Co-op. Housing Society Ltd., Alto, Porvorim, Bardez-Goa has been registered on 20th March, 2003 and it bears registration code symbol No. HSG-(b)-214/NZ/Goa and it is classified as "Housing Society" under Sub-classification No. 5(b) "Tenant Co-partnership Housing Society" in terms of Rule 9 of the Co-operative Societies Rules, 1962 for the State of Goa.

Ronnie Dias, Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 20th March, 2002.

Order

No. 17-72-83/ARCS/HSG/Vol.I/1615

Read:- 1. This office registration No. HSG-(a)-102/Goa dated 10-12-1982.

2. This office show cause notice No. 17-72/83/ARCS/HSG/0030 dated 19-8-2002.

Whereas, the Kalpataru Co-op. Housing Society Ltd., Aquem Baixo, Margao-Goa was registered under code symbol No. HSG-(a)-102/Goa dated 10-12-1982, with the main objects to carry out the work of the society as per the objects specified under society's bye-law No. 3 (a) and to provide residential accommodation to its members.

The society was registered way back in 1982, however, it is observed from the records resting in this office that the accounts of the society are pending for audit considerably for a long time since 1992-93 onwards. Accordingly, the management has been requested to show its performance and maintain the books of accounts upto-date to enable them to get the same audited through the statutory auditors appointed by the Registrar of Co-op. Societies, Panaji i.e. M/s. Audi & Co., Chartered Accountant, Margao. In spite of the same, the society could not cope up with this office requirements and were not able to finalise the audit till date. In the meantime, this office has made lot of efforts to resort to the settlement of the problems faced by the society with the Ex-Chairman, but there was no end and no amicable settlement was done.

In view of the above, this office has no other alternative then to cancel the registration of the society with effect from the date of issue of this notice and hence I pass the following order:-

Order

By virtue and in exercise of the powers vested in me under provisions of Section 21 of the Maharashtra Co-op. Societies Act, 1960 as made applicable to the State of Goa, I, A. K. Kamat, Asst. Registrar of Co-op. Societies, South Zone, Margao-Goa, hereby cancel the registration of Kalpataru Co-op. Housing Society Ltd., Aquem-Baixo, Margao-Goa, bearing No. HSG-(a)-102/Goa dated 10-12-1982 with effect from the date of issue of this order. Further, the society shall from the date of such order of cancellation be deemed to be dissolved and cease to exist as a corporate body.

Sd/- A. K. Kamat, Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 31st March, 2003.

Department of Education, Art & Culture

Directorate of Higher Education

Order

No. 1(2)-7-2003-SE/314

Read:- Government Order No. 1(2)-7-2003-SE/107 dated 12-3-2003.

Government is pleased to extend the period of ad hoc promotion of the below mentioned 9 Officers Group 'A' Gazetted in the cadre of Principal of Government Higher Secondary School/Dy. Education Officer/Environmental Education Officer and Vocational Education Officer in the pay scale of Rs. 10000-325-15200/- for a further period of six months i.e. from 13-9-2003 to 12-3-2004 or till the posts are filled on regular basis whichever is earlier, as indicated below:-

Sr. No.	Name of the Officers and designation	Order No. and date of ad hoc promotion	Date of Expiry of the period	Period of further extension of ad hoc promotion
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1	2	3	4	5
1	Shri H. S. Patil, Principal, Government Higher Secondary School, Pernem.	No. 1(2)-7-2003-SE/107 dated 12-3-2003	12-9-2003	13-9-2003 to 12-3-2004
2	Shri M. L. Patil, Principal, Government Multipurpose Higher Secondary School, Borda-Margao.	-do-	-do-	-do-
3	Shri Shivanand Talkar, Principal, Government Higher Secondary School, Sanquelim.	-do-	-do-	-do-
4	Smt. Vijaya Borkar, Principal, Government Higher Secondary School, Valpoi.	-do-	-do-	-do-
5	Shri Gajanan Bhatt, Dy. Education Officer, North Education Zone, Mapusa.	-do-	-do-	-do-
6	Shri Thomas Mathew, Environmental Education Officer, Directorate of Education, Panaji.	-do-	-do-	-do-

1	2	3	4	5
7	Kum. Maria Rose, Grace D'Souza, Vocational Educational Officer, Directorate of Education, Panaji.	No. 1(2)-7-2003-SE/107 dated 12-3-2003	12-9-2003	13-9-2003 to 12-3-2004
8	Shri Shaliendra Virdikar, Vocational Educational Officer, Goa Board, Porvorim.	-do-	-do-	-do-
9	Shri L. G. Phadte, Dy. Education Officer, North Education Zone, Mapusa.	-do-	-do-	-do-

By order and in the name of the Governor of Goa.

Ashok N. P. Dessai, Ex-Officio Joint Secretary (Edn.).

Panaji, 11th September, 2003.

Corrigendum

No. 22/1/95-EDN/DHE/PIV/2249

Read:- Government Order No. 22/1/95-EDN/DHE/PIV/972 dated 18-6-2003.

In the Government Order dated 18-6-2003 cited above, the name viz "Shri Rajiv R. Pawar" at S. No. 4 and the designation viz "Lecturer in Konkani" at Sr. No. 5 indicated in the second column of the said order shall be substituted to read as "Shri Rajay R. Pawar and "Lecturer in Computer Science" respectively.

By order and in the name of the Governor of Goa.

M. T. Verlekar, Under Secretary (Higher Education).

Panaji, 10th September, 2003.

Directorate of Art & Culture

Order

No. DAC/Apptt. M.S/KA/2003/513

Consequent upon the retirement of Shri S. V. Rane, Member Secretary, Kala Academy and in pursuance to clause 7(1) of the constitution of Kala Academy, Shri Pandurang P. Faldessai, Director (Programmes) is appointed as ad hoc Member Secretary for Kala Academy in addition to his own duties for a period of six months with immediate effect until further orders.

By order and in the name of the Governor of Goa.

M. V. Naik, Director of Art & Culture & Ex-Officio Joint Secretary.

Panaji, 25th August, 2003.

Department of Elections

Office of the Chief Electoral Officer

Notification

No. 5-63-2002/ELEC/815

The following Notification No. 82/GOA-LA/1/2002 (Panaji) dated 14-8-2003 issued by the Election Commission of India, New Delhi is hereby published for general information.

Mrs. P. Arlekar, Assistant Chief Electoral Officer.

Panaji, 27th August, 2003.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road,
New Delhi-110001.

Dated: 14th August, 2003.
23 Sravana 1925 (Saka).

Notification

No. 82/GOA-LA/1/2002 (Panaji):- In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgement of the High Court of Bombay at Goa, Panaji Bench dated 18-7-2003 in Election Petition No. 1 of 2002.

By Order,

Shangara Ram
Secretary,
Election Commission of India.

IN THE HIGH COURT OF BOMBAY AT GOA

ELECTION PETITION NO. 1 OF 2002

Chandrakant Uttam Chodankar
son of Uttam Chodankar,
R/o House No. 581,
Guddem, Siolim.

... Petitioner.

Versus

1. Shri Dayanand Rayu Mandrekar
son of Rayu Mandrekar,
R/o House No. 353/6 B, Oxel,
Chopdem, Siolim.
2. Christopher Fonseca,
R/o House No. 60,
Vale Gongurrem, Assagao.
3. Pandharinath Vaman Polle,
R/o II, No. 448-IA,
"Trimurti Bhavan", Abbas Wado,
Canca, Bardez Goa.

4. Francis Gregorio Fernandes,
R/o Sodiern, Siolim.
5. Gokuldas Surya Naik,
son of Surya Naik,
R/o H. No. 694, Assagao, Badem.
6. Albin Fernandes,
R/o II, H. No. 203,
Chawadi Vaddo,
Marna, Siolim.
7. Jawaharlal Henriques,
R/o II, No. 161,
Rodrigues Waddo, Siolim.
8. Sanjay Ganesh Narvenkar,
son of Ganesh Narvenkar,
R/o 223/A, Abbas Vaddo,
Canca, Parra.
9. Kalidas Vinayak Vernekar,
son of Vinayak Vernekar,
R/o II, H. No. 476/7,
Oxel, Siolim.
10. Manguesh Kaskar,
R/o Bandir Wada,
Shapora, Anjuna.

... Respondents.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. S. Karpe, Advocate for the Petitioner.

Mr. V. P. Thali with Miss G. Pednekar, Advocates for the Respondent No. 1.

Ms. Shanti Fonseca, Advocate for the Respondent No. 2 absent.

Coram: P. V. Hardas, J.

Date : 18th July, 2003.

JUDGMENT

The election petitioner, an unsuccessful candidate at the General Elections to the Legislative Assembly of Goa, held on 30th May 2002, has challenged the election of the respondent No. 1, the returned candidate, who was declared elected from the Siolim Assembly Constituency. The Chief Electoral Officer of the State of Goa by Notification No. 464/GOA-LA/2002, dated 6th May 2002 and under Sub-Section (2) of Section 15 of the Representation of the People Act, 1951, had called upon the Assembly Constituencies of the State of Goa to elect members to the Legislative Assembly of the State of Goa and had further appointed the dates for different stages of the election by publication in the Official Gazette, Series II, No. 5, Extraordinary, dated 6th May 2002. The copy of the Gazette is annexed to the election petition as Exhibit 'A'. The election petitioner was nominated as a candidate at the General Elections to the Legislative Assembly of the State of Goa from the Siolim Constituency. The returned candidate was also nominated as a candidate at the said General Elections to the Legislative Assembly of the State of Goa from the Siolim Assembly Constituency. The Returning Officer had published a list of contesting candidates under Rule 31(1)(b) on 16th May 2002. The list of the names of the

candidates for contesting the elections and the symbols allotted to each of them is annexed to the petition as Exhibit 'B'. In Exhibit 'B' the name of the election petitioner appears at Serial No. 2 and the name of the returned candidate respondent No. 1 appears at Serial No. 5.

2. The principal ground taken in the present election petition challenging the election of the returned candidate/respondent No. 1 is that on the date of nomination and the date of election of respondent No. 1 he was disqualified as the respondent No. 1 was the Chairman of the Board of Directors of the Goa Khadi and Village Industries Board and, as such, was holding an office of profit under the Government of Goa.

3. In response to the notice being issued by this Court, the respondent No. 1/returned candidate filed an application at Exhibit 6 under Order VII, Rule 11 of the Code of Civil Procedure read with Section 86 of the Representation of the People Act. In the said application various grounds have been raised for dismissal of the election petition. The election petitioner has filed his reply to the application at Exhibit 6 and the reply of the election petitioner is at Exhibit 8.

4. The parties to the proceedings had submitted draft issues. After hearing the learned counsel for the parties, the following issues have been framed:-

"1. Whether the respondent No. 1 proves that the election petition is liable to be rejected under Section 81(1) read with Section 86 of the Act by reason of it being barred by limitation ?

2. Whether the respondent No. 1 proves that the election petition is liable to be rejected in limine under Section 86 of the Representation of the People Act 1951 by reason of its non-compliance with Section 81(3), 83(1)(a), 83(1)(c) and 83(2) of the said Act ?

3. Whether the respondent No. 1 proves that the election petition is liable to be rejected under Order 7 Rule 11(a) of the CPC read with Section 87 of the said Act by reason of non-disclosure of any cause of action?"

5. In support of the prayer for dismissal of the election petition, the respondent No. 1/returned candidate has examined one witness. The respondent No. 1/returned candidate examined Miss Gandhali N. Pednekar, an Advocate practising at Panaji, as his witness. The affidavit by way of examination-in-chief of R. W. 1 Gandhali Pednekar is at Exhibit 16. R. W. 1 Gandhali Pednekar in her affidavit states that she is a practising advocate and is a junior of Advocate Vilas P. Thali, the Advocate for respondent No. 1/returned candidate. She has been assisting Advocate Shri Thali in the present election petition. She has further stated that the present election petition was listed on board for admission before this Court on 2nd August 2002. She has stated that, on 2nd August 2002, Advocate Vilas Thali filed his vakalatnama on behalf of the respondent No. 1 and this

Court was pleased to direct the Registry to supply a copy of the petition to the learned counsel Shri Vilas Thali, appearing for respondent no. 1. She has further stated that immediately after the hearing of the matter was over, she alongwith her senior Advocate Shri Vilas Thali went to the Assistant Registrar of this Court and her senior Advocate Shri Vilas Thali informed the Assistant Registrar about the order of this Court, dated 2nd August, 2002 and requested the Assistant Registrar to furnish a copy of the election petition. She has also stated that the Assistant Registrar, accordingly, served a copy of the election petition alongwith its annexures to Advocate Shri Vilas Thali in her presence. The copy received by Advocate Shri Vilas Thali in her presence, on 2nd August, 2002, from the Assistant Registrar of this Court is at Exhibit RW/1. She has further stated that, subsequently, on 19th August, 2002, the bailiff of this Court served two more copies of the election petition alongwith the annexures and the notice of this Court. She has also stated that since her senior Advocate Vilas Thali had already been served with a copy of the election petition alongwith its annexures on 2nd August, 2002, R. W. 1 Advocate Gandhali Pednekar, on the same day, that is on 19th August 2002, returned one copy of the election petition together with the annexures to the Assistant Registrar of this Court, while retaining the notice issued by this Court, which was accompanying the copy of the election petition. The notice accompanying the election petition, which was served on R. W. 1 Advocate Gandhali Pednekar, is at Exhibit RW/2. She has stated that out of the two copies served by the bailiff, she had retained one copy of the election petition together with the annexures and the notice of this Court. The copy of the election petition, so retained by R. W. 1 Advocate Gandhali Pednekar, together with the notice of this Court are at Exhibit RW/3.

6. In the cross-examination on behalf of the election petitioner, R. W. 1 Advocate Gandhali Pednekar has admitted that she has personal knowledge that Advocate V. P. Thali filed vakalatnama on 2nd August 2002 on behalf of respondent No. 1. She has also admitted that she has not filed the vakalatnama on behalf of respondent No. 1. The attention of the witness was, thereafter, drawn to a vakalatnama placed in the Miscellaneous File, dated 4th August 2002, filed by Advocate V. P. Thali on behalf of respondent No. 1. The said vakalatnama is at Exhibit RW/4. On perusal of the said vakalatnama, Exhibit RW/4, R. W. 1 Advocate Gandhali Pednekar stated that there is an endorsement of the Senior Superintendent (Judicial Branch) of having received the said vakalatnama on 6th September 2002. She also admitted the suggestion that the vakalatnama at Exhibit RW/4 was filed on 6th September 2002. The attention of this witness was then drawn to her statement in paragraph 2 of the affidavit, which reads as under:-

"that on 2-8-2002, my senior, Advocate Vilas Thali, filed his Vakalatnama on behalf of the Respondent No. 1"

RW/1 it is seen that
However, after the prayer clause at the
the petition above the word 'petitioner' there is no

She admitted the statement to be correct. The witness volunteered that Advocate Shri Vilas Thali has stated before the Court that he was appearing on behalf of respondent No. 1 and had tendered the wakalatnama at Exhibit RW/4 before the Court and the Court had asked Advocate Vilas Thali to file the wakalatnama in the Registry. The witness further admitted that the wakalatnama is dated 4th August 2002. She denied the suggestion that on 2nd August 2002 Advocate V. P. Thali did not have a wakalatnama signed by respondent No. 1. She also denied any knowledge if respondent No. 1 had received any summons to appear in this Court on 2nd August 2002. Similarly she denied any knowledge whether respondent No. 1 had not received any summons to appear in this Court on 2nd August 2002. She has stated that she had accompanied Advocate Shri V. P. Thali to the Registry before 1.00 p.m. to collect the copy of the petition on behalf of the respondent No. 1. She has also stated that she cannot say whether the Order, dated 2nd August 2002, was signed when she accompanied Shri V. P. Thali to the Registry for obtaining copy of the election petition on behalf of respondent No. 1. She has volunteered "I accompanied Advocate V. P. Thali to the Registry after the Order was dictated in open Court". She has also admitted that Advocate V. P. Thali did not make any endorsement of having received a copy of the election petition, Exhibit RW/1, on behalf of respondent No. 1. She admitted her signature on the summons at Exhibit RW/5 in token of having received a copy of the election petition and has also admitted to have put the date, 19th August 2002, beneath her signature. She has admitted that Exhibit RW/5 is the original of Exhibit RW/2. She has denied the suggestion that in her presence Advocate V. P. Thali did not receive the copy of the petition at Exhibit RW/1 on 2nd August 2002. She also denied the suggestion as false that she was deposing in order to oblige Advocate Shri V. P. Thali in sustaining the preliminary issues, which have been framed. She has admitted that the examination form, dated 18th July 2002, was signed by the Section Officer (Judicial), which is at Exhibit RW/7.

7. In the re-examination she has stated that she has no personal knowledge regarding the date on which the wakalatnama at Exhibit RW/4 was signed by the respondent No. 1. She has volunteered that the said wakalatnama was with Advocate Shri V. P. Thali on 2nd August 2002 duly signed by respondent No. 1. In the re-examination she has admitted that she has not actually seen respondent No. 1 signing the wakalatnama and delivering the same to Advocate V. P. Thali.

8. After the examination of R. W. 1 Advocate Miss Gandhali Pednekar, the respondent No. 1 filed a pursis at Exhibit 17 stating therein that the respondent No. 1 does not want to examine any other witness. The election petitioner also filed a pursis at Exhibit 18 stating that the election petitioner does not wish to examine any witness at this stage.

9. I have heard Advocate Thali on behalf of the returned candidate/respondent No. 1 and Mr. Coelho

Pereira, learned counsel on behalf of the election petitioner.

10. In respect of Issue No. 1:- The first issue which is framed is whether the respondent No. 1 proves that the election petition is liable to be rejected under Section 81(1) read with Section 86 of the Act by reason of it being barred by limitation. The elections were admittedly held on 30th May 2002. The results of the election were announced by Notification dated 2nd June 2002. The election petition was filed in this Court on 16th July 2002. As per Section 81 of the Representation of the People Act, 1951, the limitation prescribed for filing an election petition calling in question any election is 45 days from the date of election of the returned candidate. Since there is only one returned candidate, the limitation will have to be reckoned as within 45 days from the date of the election of the returned candidate. Mr. Thali, the learned counsel appearing for the respondent No. 1, has very fairly stated that the election petition has been filed on the last date of the prescribed period of limitation and, therefore, the election petition has been properly filed under Section 81 of the Act. Thus, issue No. 1 is answered in the negative by holding that the respondent No. 1 has failed to prove that the election petition is liable to be dismissed under Section 81(1) read with Section 86 of the Representation of the People Act, 1951 by reason of it being barred by limitation.

11. As to Issue No. 2:- In order to effectually decide this issue and the objections raised regarding the filing of the election petition, this issue can be sub-divided, for the purpose of appreciating the arguments as under:-

(A) The respondent No. 1/returned candidate has stated that the election petition is liable to be dismissed on the ground that the copy of the election petition, which is supplied to the respondent No. 1/returned candidate, is not a true copy. The respondent No. 1/returned candidate has, therefore, contended that there is breach of Section 81(3) of the Representation of the People Act, 1951.

12. Mr. Thali, the learned counsel appearing on behalf of the respondent No. 1/returned candidate, has submitted that the respondent has examined R.W. 1 Advocate Gandhali Pednekar. She has stated that, on 2nd August 2002 she accompanied her senior Advocate Vilas Thali to the Registry of this Court and had received a copy of the petition, which is at Exhibit RW/1. It is thus, stated that the copy of the election petition at Exhibit RW/1 is not a true copy of the petition, which is filed in this Court. It is stated that at internal page 10 of Exhibit RW/1, after the prayer clause, there is no signature of the election petitioner. Similarly, after the verification, there is no signature of the election petitioner. The stamp in respect of swearing of the affidavit is also absent on Exhibit RW/1. The affidavit accompanying the petition also does not bear the signature of the deponent. Though Mr. Thali has admitted that the respondent No. 1/returned candidate

has received subsequently two copies of the election petition, out of which one copy was returned, and that the copy received by the respondent No. 1/returned candidate subsequently is a true copy, non-compliance of Section 81(3) of the Representation of the People Act, would result in dismissal of the petition.

13. Section 81(3) of the Representation of the People Act enjoins that the election petition shall be accompanied with as many copies thereof as there are respondents mentioned in the petition and secondly, every such copy shall be attested by the petitioner under his own signature to be true copy of the petition. Thus, the copy which is to be supplied to the respondent No. 1/returned candidate should be a true copy. A true copy would, therefore, mean a copy which is wholly and substantially the same as the original. If the copy contains important omissions and substantial variations then it would amount to non-compliance of statutory provisions.

14. The learned counsel appearing for the respondent No. 1/returned candidate has placed reliance in the Judgment of a learned Single Judge of this Court in *Jagannath Shindu Rahane v. Smt. Manisha Manohar Nimkar*, 1996(3) ALL MR 475. Reliance is placed on the observations of the learned Single Judge at paragraphs 34 and 35 of the report which read as follows:-

"34. The various flaws/mistakes/omissions highlighted and pointed out and which have been enumerated hereinabove with regard to the copy of the petition furnished to the respondent are discernible to naked eye and this could be ascertained by a comparison of the copy supplied to the respondent from the original petition. The petitioner has filed the affidavit in support of election petition which is at pages 33-34. True it is that in this petition the petitioner has not taken up the ground of corrupt practice questioning the election of the respondent. But it would be besides the point. In the matter herein the fact remains that the petitioner has in fact made an affidavit and has annexed the same to the petition. We are concerned mainly whether there is a compliance of Section 81 of the said Act in furnishing a true copy of the petition. The various flaws in the copy of the petition furnished to the respondent have been noted hereinabove in para 14 to which there is no dispute and in my view there cannot be also as the same are apparent on the face of it. Section 81 of the said Act contemplates of furnishing the true copy of the petition and the petition would include in the context of supply of copy thereof, alongwith the petition all its exhibits, annexures and schedules, which forms its integral part. It is undisputed fact that the affidavit forms part of election petition and the copy furnished thereof does not indicate whether in fact the same was affirmed by the petitioner. Same also does not show the name

and designation of the affirming authority. In my view, these are serious lacunae and omissions on the part of the petitioner.

35. Similarly, the concise statement which is at pages 31 and 32 of the election petition, the filing of which is statutory requirement as contained in sub-section (1) of Section 83(1) of the said Act. From the original petition it is noticed that the petitioner has affirmed and verified the same before the Associate, High Court, Bombay. However as noticed and pointed out earlier copy furnished to the respondent does not so indicate".

15. Reliance is then placed on the decision of the learned Single Judge of this Court in *Narendra Bhikahi Darade v. Kalyanrao Jaywantrao Patil and others*, A. I. R. 2000 Bombay 362. In the aforesaid Judgment one of the defects that was pointed out in respect of the copy received by the returned candidate was the name and designation of the Officer before whom the verification was verified was not there. The second defect that was pointed out was that the concise statement of material facts contained in the copy of the petition was not verified in the manner verified and signed in the original copy of the petition. The other defect was that the copy of the affidavit annexed to the copy of the petition supplied to the respondent was lacking the name of the person before whom it was affirmed. The learned Single Judge of this Court in paragraph 19 has held thus:-

"19. In the light of the above observations omissions to write name of the attesting officer held to be not fatal and can be found that S. 81(3) has been substantially complied with. But *T. M. Jacob's case* (AIR 1999 SC 1359) cannot be used by the petitioner in this case. In that case only signature of the officer was missing. Instead, it was written "Sd" and below that name of the officer was written. In that circumstances, Supreme Court has held that defect is not fatal and held to be substantially complied with. But here in this case, name of the Officer was missing and verification is also not there. If one receives a copy of the Election Petition, naturally doubt may arise and confusion may creep in as to whether it was signed by a proper officer and as to what objection he has to raise in the Election Petition, therefore absence of the name of the officer before whom the petitioner put signature cannot be said to be one that can be substantially complied with. It is really a fatal defect. Other defects pointed out that the absence of verification as prescribed under law in the annexure and absence of attestation of true copy under the signature of the petitioner has also to be found to be fatal. Moreover defect No. (iii) of supplying document and annexures along with copy different from that of the original is liable to mislead the respondent No. 1 in formulating his defence as held in *Dr. Shipra's case* (AIR 1996 SC 169)."

The learned Single Judge has further held in paragraph 22 as under:-

"22. Here in the present it is not non-supply of material particular only but non-verification of concise statement and affidavit. Therefore it cannot be said that a true copy has been supplied to respondent No. 1. In view of the above observations of the Narayanswami's case (AIR 2000 SC 694), non-verification of concise statement of material facts and affidavit in the copy of the Election Petition cannot be considered to be curable defect by way of an amendment of the Election Petition."

16. Reliance is next placed by the learned counsel for the respondent No. 1/returned candidate on the Judgement of the learned Single Judge of this Court in *Baban Yadav v. Shri Abdul Kadir and others*, A. I. R. 1998 Bombay 60. In that case the name of the Officer who had administered oath to the petitioner or before whom the petitioner had verified the petition was not mentioned on the copies served on the respondent nor was there anything to show it was so verified and affirmed before the said Officer. In that background, the learned Single Judge has held:-

"The copy of the election petition which is required to be served on the respondent has to be a true copy i.e. a copy which is substantially a reproduction of the original and if there is omission of vital nature in the copy as compared to the original election petition, it cannot be ignored and if there is such a omission, the copy of the petition served on the respondent cannot be a true copy of the original. If the copy of the election petition served on the respondent contains omission as regards the endorsement by the prescribed authority before whom the petition is verified, such a omission, is considered as a vital omission and would entail the dismissal of the petition under Section 86(1)."

17. Reliance is also placed on the decision of the learned Single Judge of this Court in *Vinod Ramchandra Ghosalkar v. Sunil Dattatray Tatkar and others* 1997(3) Bom. C. R. 110. In the aforesaid authority one of the objections was that in the copy supplied to the respondents does not contain the signature or name of the Officer who had administered the oath to the petitioner. It was also urged in the aforesaid case that the true copy of the verification of the petition was not furnished to the respondents. In the background of the objection, the learned Single Judge in paragraph 31 has held thus:-

"31. I therefore hold that in these cases, since the copy supplied to the respondent do not contain the signature or name of the Associate and the date put by him, the copy supplied is not a true copy within the meaning of Section

81(3) of the Act, therefore, is a fatal defect which warrants the dismissal of the election petition for non-compliance of provisions of Section 81(3) of the Act."

18. Mr. Thali then places reliance on the Judgment of the Supreme Court in *Rajendra Singh v. Smt. Usha Rani and others*, (1984) 3 Supreme Court Cases 339, in which the Supreme Court has held that if the election petitioner files a number of copies some of which may be correct and some of which are incorrect, it is his duty to see that the copy served on the respondent is a correct copy. The respondent is not obliged to wade through the entire record in order to find out which is the correct copy. If out of the copies filed, the respondent's copy is found to be an incorrect one, it amounts to non-compliance of Section 81(3) which is sufficient to entail a dismissal of the election petition at the behest under Section 86.

19. Mr. Coelho Pereira, the learned counsel appearing for the election petitioner, has placed reliance on the Judgment of the Supreme Court in *T. Phungzathang v. Hangkhanlian and others*, (2001) 8 S. C. C. 358. This was a case where the Supreme Court held that the mere omission, in the set of copies which were supplied to the respondents, regarding the endorsement made by the Oath Commissioner attesting the affidavit to have been sworn by the deponent before him, his signature and rubber stamp did not appear in the copy of the affidavit delivered to the respondents, would not ipso facto entail dismissal of the election petition under Section 86(1) of the Representation of the People Act, 1951. In the said case, the Supreme Court was of the view that the petitioner therein had a few days before the starting of the arguments, supplied fresh copies of the affidavit containing the verification as found in the original affidavit in its entirety and; therefore, the Supreme Court came to the conclusion that the defects pointed out in the petition being curable, had been cured.

On behalf of the election petitioner, reliance is also placed on the Judgement of the Supreme Court in *T. M. Jacob v. C. Poullose and others* (1999) 4 S. C. C. 274. In this case the copy of the affidavit that was served contained an endorsement that the affidavit had been duly affirmed, signed and verified before a Notary. Under the affirmation by Notary, the words, 'Sd/- Notary' were also written. What was missing, however, in the copy of the affidavit was the name and address of the Notary as well as the stamp and seal of the Notary before whom the affidavit had been so affirmed and who had attested the affidavit. The Supreme Court found that the copies of the election petition and the affidavit served on the returned candidate bore the signatures of the petitioner on every page and the original affidavit filed in support of the election petition had been properly signed, verified and affirmed by the election petitioner and attested by the Notary. Non-mention of the name of the Notary or the absence of the stamp and seal of the Notary in the otherwise true copy supplied by the election petitioner could not be construed to be an omission or variation of

a vital nature and thus the defect, if at all it could be construed as a defect, was not a defect of any vital nature attracting the consequences of Section 86(1) of the Representation of the People Act, 1951.

Reliance is then placed on the Judgment of the Supreme Court in *Ram Prasad Sarma v. Mani Kumar Subba and others* JT 2002 (8) SC 517. In this case, the true copy of the affidavit served on the respondent by the election petitioner did not contain the attestation stamp of the Oath Commissioner. The original election petition, however, bore the signature of the Oath Commissioner. The Supreme Court, thus, came to the conclusion that once an averment was there, that affidavit is being sworn in support of the allegations of corrupt practices and that the petitioner had put his signature thereon prima facie fulfilment of the legal requirement is adequately reflected even in the absence of the name and seal of the Oath Commissioner in the true copy mere omission of the name and stamp of the Oath Commissioner would not be material. The Supreme Court, therefore, held that dismissal of the election petition on this count was not correct.

20. Mr. Coelho Pereira, the learned senior counsel appearing on behalf of the election petitioner, has submitted that the respondent No. 1/returned candidate was subsequently served with two copies of the election petition, which are true copies of the original. He further submitted that the respondent No. 1/returned candidate returned one copy and retained with him a copy, which was received by him from the Registry, and one copy, which was served through the bailiff. The learned senior counsel for the election petitioner then submitted that perusal of the deposition of R.W. 1 Advocate Gandhali Pednekar would show that her statement that the wakalatnama was filed on 2nd August 2002 by Advocate V. P. Thali is incorrect. The wakalatnama Exhibit RW/4 was filed in the Registry on 6th September 2002. The wakalatnama is also dated 4th August 2002. Therefore, according to the learned senior counsel for the election petitioner, the learned counsel for the respondent No. 1/returned candidate was not armed with the wakalatnama when he accepted notice on behalf of the respondent No. 1/returned candidate. He has further urged that R. W. 1 Advocate Gandhali Pednekar being the junior of Advocate V. P. Thali is deposing in favour of the respondent No. 1/returned candidate and therefore, her evidence that the learned counsel for the respondent No. 1/returned candidate had received the copy of the election petition at Exhibit RW/1 cannot be accepted. It is also urged that the respondent No. 1/returned candidate ought to have examined the Assistant Registrar to prove that the copy at Exhibit RW/1 had been served on the learned counsel for the respondent No. 1/returned candidate.

21. A perusal of the copy of election petition at Exhibit RW/1 it is seen that it is signed by the election petitioner. However, after the prayer clause at internal page 10 of the petition above the word 'petitioner' there is no

signature of the election petitioner. Similarly, on the same page, beneath the verification, there is no signature of the election petitioner above the word 'petitioner'. Thus, the copy at Exhibit RW/1 would indicate that the election petitioner had neither signed, verified the petition nor was it attested before any authority. There is no endorsement of attestation of the Officer before whom the petition was signed. Similarly, there is absence of the signature of the Advocate, who had identified the election petitioner. An affidavit has been filed by the election petitioner and the copy of the affidavit in Exhibit RW/1 does not show that the affidavit has been affirmed by the election petitioner. There is no signature of the election petitioner above the word "deponent". There is no signature of the advocate, who has identified the election petitioner. There is an absence of the affirmation endorsement put by the authority, who has administered the oath including absence of signature and name of the authority. For the aforesaid reasons, therefore, the copy at Exhibit RW/1, which is supplied to the respondent No. 1/returned candidate, is not a true copy of the election petition that is filed. The Judgements of the Supreme Court, on which reliance is placed by the learned counsel for the election petitioner, in my respectful opinion in the facts of the present case, are therefore, clearly distinguishable.

22. It is true that R.W. 1 Advocate Gandhali Pednekar in her evidence has stated incorrectly that the wakalatnama was filed by the learned counsel for the respondent No. 1/returned candidate on 2nd August, 2002. The wakalatnama was, in fact, filed on 6th September 2002. The wakalatnama is also dated 4th August 2002. However, on the basis of this discrepancy, it cannot be said that the statement of R.W. 1 Advocate Gandhali Pednekar that she had accompanied the learned counsel for the respondent No. 1/returned candidate to the Registry and had received the copy at Exhibit RW/1 is rendered doubtful. The copy at Exhibit RW/1 contains the signature of the election petitioner. It would be far fetched either to urge or to presume that this is a copy which is prepared by the respondent No. 1/returned candidate in order to secure dismissal of the election petition. Undoubtedly the respondent No. 1/returned candidate was subsequently supplied with a true copy of the election petition. But, that does not cure the defect in supplying to the respondent No. 1/returned candidate a copy of the petition, which is not a true copy of the election petition. Therefore, according to me, there is a breach of Section 81(3) of the Representation of the People Act inasmuch as the copy at Exhibit RW/1 supplied to the respondent No. 1/returned candidate was not a true copy of the election petition.

(B) The second objection is in respect of the fact that the election petition when presented was not accompanied with as many copies thereof as there are respondents mentioned in the petition. The learned counsel appearing on behalf of the respondent No. 1/returned candidate has drawn my attention to the endorsement made by the Additional Registrar of this

Court dated 16th July, 2002, at Exhibit 1, which is the presentation form. The endorsement on Exhibit 1 reads as under:—

"Presented personally by Mr. Chandrakant s/o Uttam Chodankar, accompanied by Mr. Amrut Kansar, today i.e. Tuesday the 16th July, 02 at 3 p. m. S. O. Jud. to process as per the provisions of the Act and the Rules."

The Roznama, dated 16th July, 2002, signed by the Additional Registrar reads as under:—

"ELECTION PETITION No. 1 of 2002

Dt. 16th July, 2002.

Presented today personally by Mr. Chandrakant S/o. Uttam Chodankar alongwith presentation form (Exh. 1)

Index presented alongwith petition (Exh. 1A).

List of Documents (Exh. 1B).

Affidavit of the petitioner Mr. Chandrakant Uttam Chodankar (Exh. 1C).

Memo of Address filed alongwith the petition (Exh. 1D).

Vakalatnama of Advocate Mr. Amrut Kansar for the petitioner (Exh. 1E). Security deposit of Rs. 2000/- deposited by the petitioner as per receipt No. 3404 of 18-07-2002.

Office to verify for office objection, if any, and process, as per the Rules.

Sd/-

Addl. Registrar."

23. The Examination Form, Exhibit RW/7, which is dated 18th July 2002, shows at Query No. 3 that there are requisite number of copies for service to the respondents. The petition was, admittedly, filed on 16th July 2002, which was the last day of the period of limitation prescribed for filing of the election petition under the Representation of the People Act. The endorsement of the Additional Registrar does not disclose that when the election petition was filed it was accompanied by as many copies thereof as there are respondents mentioned in the petition. The Order Sheet of the Additional Registrar, dated 16th July 2002 also does not indicate that the election petition was accompanied by as many copies thereof as there are respondents. The office endorsement shows that the second set of copies to be served by registered post acknowledgement due was supplied by the advocate for the election petitioner on 12th August 2002.

24. Relying on the aforesaid Exhibits, it is urged by Mr. Thali, the learned counsel for the respondent No. 1/returned candidate, that these documents, prima facie, show that the election petitioner when presenting the petition did not file the requisite number of copies

as there are respondents. He has urged that the petition was filed on the last day of the limitation period and, though the Examination Form signed by the Section Officer (Judicial), dated 18th July 2002, shows that the petition was accompanied by requisite number of copies, the fact remains that there is nothing of record to show that the petition when filed was accompanied by requisite number of copies. He, therefore, submitted that the election petitioner ought to have, in the face of these documents, examined the Additional Registrar of this Court to prove that the petition was accompanied by the requisite number of copies when it was presented to the Registry on 16th July 2002. According to Mr. Thali, the supply of the additional copies subsequently, particularly after the expiry of the period of limitation cannot cure the defect in the present petition.

25. Mr. Coelho Pereira, the learned senior counsel appearing on behalf of the election petitioner has relied on the decision of the Orissa High Court in Ratnakar Mohanty v. Jugal Kishore Patnaik, A. I. R. 1976 Orissa 85. In the aforesaid authority it was held that where an election petition was resisted on the ground of non-compliance of Section 81 in that an attested copy was not filed alongwith the petition, on the basis of the certificate as endorsed on the petition on its presentation, it was seen that there was no defect. The respondent in support of that objection had not examined the Registrar, the Stamp Reporter and the Peon on the presumption that the attested copy was filed with the original election petition was not rebutted. The facts of the reported case can be distinguished. The Office Note in the reported decision read that summons for written statement and also copy of election petition filed. The Stamp reporter had also noted that there was no defect in the filing of the petition. On the basis of this, therefore, the learned Judge came to the conclusion that the election petition was in conformity with the requirements of law. In other words an attested copy accompanied the original petition.

26. Reliance is placed by the learned senior counsel for the election petitioner on the decision of the Supreme Court in Jugal Kishore Patnaik v. Ratnakar Mohanty, A. I. R. 1976 S. C. 2130. The Supreme Court in paragraph 8, in response to answering an objection regarding non-filing of requisite number of copies for the respondent, has held that there was an endorsement, dated April 15, 1974 made by an officer of the High Court which shows that a copy of the election petition had been filed. The Supreme Court further held that there was no cogent reason as to why an officer of the High Court should make a false endorsement on the petition, if, in fact, no such copy was filed. The facts of the reported Judgement, therefore, can be clearly distinguished from the facts of the present case. Thus, there is breach of Section 81(3) of the Representation of the People Act in not supplying as many copies as there are respondents. This issue is, therefore, answered in the affirmative in favour of the respondent No. 1/returned candidate.

(c) The election petitioner states that there is non-compliance of Sections 83(1) (c) and 83(2) of the Representation of the People Act. During the course of

arguments, the learned counsel appearing on behalf of the respondent No. 1/returned candidate has very fairly stated that the petition and the documents have been properly verified. So this is, therefore, not pressed by the respondent No. 1/returned candidate.

27. As to Issue No. 3 :— According to the respondent No. 1/returned candidate, the petition does not contain a concise statement of the material facts, on which the election petitioner relies and also that the petition does not disclose any cause of action.

Mr. Thali, the learned counsel appearing on behalf of the respondent No. 1/returned candidate, has stated that, as per the averments in paragraph 11 of the petition, according to the election petitioner, the respondent No. 1/returned candidate was disqualified "to be chosen to fill the seat under the Constitution of India and the Representation of the People Act, 1951". It is then urged by Mr. Thali, learned counsel appearing on behalf of the respondent No. 1/returned candidate, that when Goa was a Union Territory, the Legislative Assembly had passed the Goa, Daman and Diu Members of Legislative Assembly (Removal of Disqualification) Act, 1982. Therefore, according to the respondent No. 1/returned candidate, he is not disqualified by virtue of the fact that he was the Chairman of the Goa Khadi and Village Industries Board. According to Mr. Thali, the learned counsel for the respondent No. 1/returned candidate, there are no averments in the petition that the respondent No. 1/returned candidate was drawing any salary. Thus, according to the respondent No. 1/returned candidate, the petition is liable to be dismissed on this count as it does not disclose any cause of action.

Mr. Coelho Pereira, the learned senior counsel appearing on behalf of the election petitioner, has urged that the question whether the Office of Chairman of the Goa Khadi and Village Industries Board is an office of profit, is a question which can only be determined after the parties lead their evidence. The election petitioner has stated that the respondent No. 1/returned candidate was holding office of profit under the Government when he had filed his nomination paper and when he was elected. Thus, the cause of action for filing the instant petition is disclosed in the petition. The petition cannot, therefore, be dismissed on the ground that it does not disclose any cause of action.

28. Perusal of the petition and the various averments in the petition does disclose a cause of action for filing the present petition. It is not as if the petition does not contain a concise statement of material facts on which the election petitioner relies. Therefore, according to me, the petition is not liable to be rejected on this count.

29. In view of the discussion on Issue No. 2(A) and (B), the petition is liable to be dismissed and is, accordingly dismissed with costs. Bill of costs be drawn up accordingly. Registry to communicate the Judgment as per the provisions of Section 103 of the Representation of the People Act, 1951.

Sd/-
(P. V. Hardas)
Judge.

Department of Civil Supplies & Consumer Affairs

Notification

No. 1/3/2003-CSD

In compliance with the resolution passed by the Goa State Consumer Protection Council on its meeting held on 21st February, 2003, under the Chairmanship of the Honourable Minister for Civil Supplies & Consumer Affairs, on Agenda No. III of the meeting, the Director, Department of Civil Supplies & Consumer Affairs, notifies the Consumer Conciliation Committee constituted as under:-

- | | |
|--|---------------|
| 1. Shri Ashutosh R. Apte, | ... Chairman. |
| Assistant Director, | |
| Civil Supplies & Consumer Affairs. | |
| 2. Shri Roland Martins, | ... Member |
| Member, | |
| Goa State Consumer Protection Council. | |
| 3. Smt. Amita Salatry, | ... Member. |
| Member, | |
| Goa State Consumer Protection Council. | |

The Committee shall meet on every third Thursdays, of the month to amicably settle the consumer disputes between the two parties.

The meeting shall be held in the Court Hall of the Goa State Consumer Disputes Redressal Commission, at 1st Lift, 4th Floor, Junta House, Panaji, Goa, at 3.00 p.m. on the aforesaid days.

In the case of failure to reach any amicable settlement in the meeting of the said committee the concerned parties will be at liberty to approach the appropriate Consumer Disputes Redressal Agencies.

The Committee shall function in following manner:

1. On receipt of any application from Consumers for conciliation or any reference been made by the Consumer Forum or Commission the committee may call the other party for conciliation of the dispute on the specified date and time.
2. The committee shall hear both the parties; suggest appropriate terms for amicable settlement of the dispute to both the parties; and draw consent terms according to the agreement between the parties; and as per circumstances of the case, fix time for compliance as per terms of the settlement.
3. If no amicable settlement of the dispute is possible within 60 days of taking cognizance of the dispute by the conciliation committee, the conciliation proceeding shall be treated as closed; similarly, if any of the parties, after agreeing to an amicable settlement during the conciliation proceeding by the committee, either withdraws his consent or

does not honour the terms of the settlement, within a stipulated period, the conciliation shall be deemed to have ended in failure and therefore closed. The parties shall be at liberty to pursue their legal course before any Court or forum or commission, as the case may be.

N. B. Narvekar, Director of Civil Supplies and Consumer Affairs and Ex-Officio Joint Secretary.

Panaji, 8th August, 2003.

Department of Law & Judiciary

Law (Establishment) Division

Order

No. 4-3-1-2001/LD

On the recommendation of Departmental Promotion Committee as conveyed by the Goa Public Service Commission, vide their confidential letter No. COM/II/11/58(1)/2003/106, dated 29-08-2003, Government is pleased to promote Smt. Shobha Dhumaskar, Public Prosecutor to the post of Director of Prosecution (Group "A" Gazetted) in the pay scale of Rs. 10000-325-15200 on regular basis, with effect from 01-10-2003.

Smt. Shobha Dhumaskar, shall be on probation for a period of two years and she should exercise an option for fixation of pay under F. R. 22(I) (a) (1) within one month from the date of taking over the charge as Director of Prosecution.

The expenditure towards pay/allowances shall be debited to the Budget Head "2014 - Administration of Justice, 114 - Legal Advisors and Counsels, 01 - Public Prosecution (North Goa), 01 - Salaries under Demand No. 05.

By order and in the name of the Governor of Goa.

Mario da Silva, Under Secretary (Law).

Panaji, 16th September, 2003.

Department of Personnel

Order

No. 5/88/85-PER/Vol. I

The Government is pleased to relieve with immediate effect, Shri W. V. Ramana Murthy, Selection Grade Officer of Goa Civil Service, presently posted as Joint Chief Electoral Officer, to join Government of Andhra Pradesh on deputation, initially for a period of two years.

By order and in the name of the Governor of Goa.

D. M. Borkar, Joint Secretary (Personnel).

Panaji, 12th September, 2003.

Order

No. 3/23/93-PER

Governor of Goa is pleased to order transfer and posting of the following Deputy Conservators of Forests with immediate effect in public interest:-

Sr. No.	Name of the Officer and present posting	Posted on transfer
1.	Shri R. K. Singh, IFS Dy. Conservator of Forests, Research & Utilization Div., Margao.	Dy. Conservator of Forests, North Goa Division, Ponda.
2.	Shri D. N. F. Carvalho, Dy. Conservator of Forests, North Goa Division, Ponda.	Dy. Conservator of Forests, Planning & Statistics, Panaji, thereby relieving Shri F. X. Araujo of the additional charge.

Shri R. K. Singh shall also hold the charge of Research & Utilization Division, Margao, in addition to his own duties and without any additional remuneration until further orders.

By order and in the name of the Governor of Goa.

D. M. Borkar, Joint Secretary (Personnel).

Panaji, 12th September, 2003.

Order

No. 5/1/2003-PER

Read: Govt. Order No. 5/3/90-PER(A) dated 06-03-2003.

The ad hoc appointments of the following Officers in Junior Scale of Goa Civil Service made vide Government order dated 06-03-2003 are extended for a further period of six months with effect from 01-06-2003 to 30-11-2003 or till the appointments are made on regular basis whichever is earlier.

1. Shri Elias Fernandes.
2. Shri M. T. Verlekar.
3. Shri Janardhan V. Pednekar.
4. Shri D. K. Redkar.
5. Shri Shamsundar G. Korgaonkar.

This is issued with the approval of Goa Public Service Commission vide its letter No. COM/II/11/42(1)/94 dated 26-8-2003.

By order and in the name of the Governor of Goa.

D. M. Borkar, Joint Secretary (Personnel).

Panaji, 15th September, 2003.

Department of Planning

Directorate of Planning, Statistics and Evaluation

Order

No. CSP/Notes/6491/01/2375

Government is pleased to promote Shri Suresh Shanbhogue, Dy. Director in the Common Statistical Cadre of the Directorate of Planning, Statistics and Evaluation to the post of Joint Director, Group 'A' Gazetted in the pay scale of Rs. 10000-325-15200 on ad hoc basis with immediate effect.

By order and in the name of the Governor of Goa.

S. K. Tewari, Director and Ex-Officio Joint Secretary (Planning).

Panaji, 15th September, 2003.

Department of Revenue

Notification

No. 22/48/2003-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of School Complex at Devondem, Margao.

Now, therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Dy. Collector (LA) Collectorate of South Goa Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao-Goa.
2. The Dy. Collector (LA) Collectorate of South Goa District, Margao.
3. The Society of the Franciscan Hospitaller Sisters of the Immaculate Conception, Margao.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector (LA) Collectorate of South Goa Margao for a period of 30 days from the date of publication of this notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Salcete		City/Village: Margao-Goa
PT. Sheet No./ Chalta No./ Sub Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
21/1/2 (part)	H: Comunidade of Margao. T: Agostinho Crast.	55
21/1/3 (part)	H: Comunidade of Margao. T: Jack Anton Miranda.	165
21/1/4	H: Comunidade of Margao. T: Jose Miranda.	169
21/1/5 (part)	H: Comunidade of Margao. T: Jack Anton Miranda.	150
21/1/6 (part)	H: Comunidade of Margao. T: Jose Miranda.	85
21/1/7 (part)	H: Comunidade of Margao. T: Jack Anton Miranda.	55
21/1/11 (part)	H: Comunidade of Margao. T: Miguel Arauza.	1600
21/1/12 (part)	H: Comunidade of Margao. T: Josef Dias.	1250
21/1/13 (part)	H: Comunidade of Margao. T: Williana Fernandes.	3450
21/2/1 (part)	H: Comunidade of Margao. T: Carlos Jacinto Fernandes.	340
21/2/2 (part)	H: Comunidade of Margao. T: Francis Xavier Costa.	250
21/2/3 (part)	H: Comunidade of Margao. T: Rosa Piedade Pereira.	90
16/8/1	H: Comunidade of Margao. T: Sebastiao Santiago.	2106
16/8/2	H: Comunidade of Margao. T: Vilian Fernandes.	150
16/8/3	H: Comunidade of Margao. T: Jose Miranda.	5368
16/8/4	H: Comunidade of Margao. T: Maria Antoneta Pereira e Miranda.	2500
16/8/5	H: Comunidade of Margao. T: Jose Miranda.	2519
16/8/6	H: Comunidade of Margao. T: Sebastiao Santiago.	181
16/8/7	H: Comunidade of Margao. T: Vilian Fernandes.	356

Corrigendum

No. 22/83/2000-RD

Read: Notification No. 22/83/2003-RD dated 10-12-2001 issued u/s 6 of the L. A. Act, 1894 and published at pgs. 728-729 in the Official Gazette, Series II, No. 40 dated 3-1-2002 and in two local newspapers viz. 1. Sunaparant dated 19-12-2001 and 2. Gomantak Times dated 20-12-2001.

"Survey. No. 34/1 (part) appearing in the schedule at pg. 2 of the above Notification may be read as "Survey. No. 34/2 (part)" against the name of Sazu Raghoba Nadkarni "Rest of the contents remains unchanged".

By order and in the name of the Governor of Goa.

C. D. Gawade, Under Secretary (Revenue).

Panaji, 25th August, 2003.

Corrigendum

No. 22/42/2002-RD

Read: Notification No. 22/42/2002-RD dated 31-10-2002 published in the Official Gazette Series II, No. 33 dated 14-11-2002 and in two Local newspapers (1) Navaprabha dated 7-11-2002 and (2) Gomantak Times dated 7-11-2002 regarding Land Acquisition for Construction of Devabhat Balli road from NH 17 to Balli Fatorpa Road in Survey No. 445/6 & 446/6 in Cuncolim village, Salcete Taluka.

The Taluka "Quepem" appearing in the first para of the above Notification may be read as "Salcete" and the city "Margao" appearing in the Schedule (Description of the land) at page 2 of the above Notification may be read as "Cuncolim".

By order and in the name of the Governor of Goa.

C. D. Gawade, Under Secretary (Revenue).

Panaji, 12th September, 2003.

Department of Science, Technology &
Environment

Corrigendum

No. 20-4-88-STE/535

Read:- Notification No. 20-4-88-STE/932 dated 6th December, 2000 published in the Official Gazette, Series II No. 40 dated 4th January, 2001.

1	2	3
16/8/8	H: Comunidade of Margao. T: Josef Dias.	182
16/8/9	H: Comunidade of Margao. T: Not recorded.	170
16/8/10	H: Comunidade of Margao. T: Not recorded.	335
16/8/11	H: Comunidade of Margao. T: Not recorded.	190
16/9/1	H: Comunidade of Margao. T: Xavier Francisco Costa.	661
16/9/2	H: Comunidade of Margao. T: Rosa Piedade Pereira.	88
16/9/3	H: Comunidade of Margao. T: Antonio Santana Fernandes.	669
16/9/4	H: Comunidade of Margao. T: Francisco Xavier Costa.	519
16/9/5	H: Comunidade of Margao. T: Rosa Piedade Pereira.	506
16/9/6	H: Comunidade of Margao. T: Francisco Xavier Costa.	664
16/9/7	H: Comunidade of Margao. T: Antonio Santan Fernandes.	1294
16/9/8 (Part)	H: Comunidade of Margao. T: Francisco Xavier Costa.	602
16/9/9 (Part)	H: Comunidade of Margao. T: Rosa Piedade Pereira.	423
16/9/10 (Part)	H: Comunidade of Margao. T: Francisco Xavier Costa.	415
16/9/11 (Part)	H: Comunidade of Margao. T: Antonio Santana Fernandes.	425
16/9/12 (Part)	H: Comunidade of Margao. T: Francisco X. Costa.	359
Total:		28,341

Boundaries:

North : Chalta No. 7 of P. T. Sheet No. 16;

South : Road;

East : Chalta No.	$\frac{10/1,}{16}$	$\frac{10/2,}{16}$	$\frac{10/4,}{16}$
	$\frac{10/5,}{16}$	$\frac{10/6,}{16}$	$\frac{10/7}{16}$
	$\frac{8 \text{ part,}}{16}$	$\frac{9 \text{ part,}}{16}$	$\frac{10 \text{ part,}}{16}$
	$\frac{11 \text{ part,}}{16}$	$\frac{12 \text{ part,}}{16}$	$\frac{3 \text{ part,}}{21}$
West : Chalta No.	$\frac{2 \text{ part,}}{21}$	$\frac{3 \text{ part,}}{16}$	$\frac{5 \text{ part,}}{16}$
	$\frac{6 \text{ part,}}{16}$	$\frac{7 \text{ part,}}{16}$	$\frac{1 \text{ part}}{21}$
	$\frac{12 \text{ part,}}{21}$	$\frac{13 \text{ part,}}{21}$	

By order and in the name of the Governor of Goa.

C. D. Gawade, Under Secretary (Revenue).

Panaji, 10th September, 2003.

In the said Notification, for the entries at Serial numbers 14, 15, 17 and 18, the following entries shall be substituted, namely:-

"14. Dean, Goa Medical College, ... Member
Bambolim.

15. Shri D. N. Acharya, Chief Manager ... Member
(Safety & Training), Zuari
Industries Limited, Zuarinagar.

17. Shri H. V. Rao, DGM (Fuel, Health ... Member
and Safety), Reliance Salgaonkar
Power Co. Ltd., Sancoale.

18. Shri P. Ravindranathan, Venus ... Member"
Ethoxyethers, Bicholim.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Jt. Secretary, STE.

Saligao, 8th September, 2003.

Corrigendum

No. 20-4-88-STE/536

Read:- Notification No. 20-4-88-STE/772 dated
7th November, 2001 published in the
Official Gazette, Series II No. 41 dated
10th January, 2002.

In the said Notification,

(i) for entry at serial number 17, the following entry shall be substituted, namely:-

"17. Shri Tagore Gracias, Secretary, ... Member"
Indian Red Cross Society,
Goa State Branch.

(ii) after serial number 18, the following entries shall be inserted, namely:-

"19. Shri Krishna Kumar, Assistant ... Member
Vice President (P&A), Goa Glass
Fibre Limited, Colvale.

"20. Dr. Rajendra Tamba, ... Member"
Epidemiologist, Directorate of
Health Services, Campal, Panaji."

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Jt. Secretary, STE.

Saligao, 8th September, 2003.

Corrigendum

No. 20-4-88-STE/537

Read:- Notification No. 20-4-88-STE/773 dated
7th November, 2001 published in the
Official Gazette, Series II, No. 41 dated
10th January, 2002.

In the said Notification,

(i) for entries at serial numbers 15 and 17, the following entries shall be substituted, namely:-

"15. Shri Tagore Gracias, Secretary, ... Member
Indian Red Cross Society,
Goa State Branch.

17. Shri R. K. Srivastava, ... Member"
Senior Terminal Manager,
Indian Oil Corporation Ltd.,
Vasco.

(ii) after serial number 18, the following entries shall be inserted, namely:-

"19. Shri D. Bandopadhyay, ... Member
Assistant Director (Dock Safety),
Dock Safety Inspectorate,
Mormugao.

20. Dr. Rajendra Tamba, ... Member"
Epidemiologist, Directorate of
Health Services, Campal, Panaji.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Jt. Secretary, STE.

Saligao, 8th September, 2003.